

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

v.

23-CR-99-JJM-LJV

HOWARD HINKLE JR. a/k/a Hard How

Defendant.

---

**MOTION TO IMPOSE SUPPLEMENTAL PROTECTIVE ORDER GOVERNING  
SEALED SEARCH WARRANT AFFIDAVIT**

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure and subject to the conditions of the proposed protective order, the United States of America, by and through Nicholas T. Cooper, Assistant United States Attorney, respectfully requests that the Court restrict access to the redacted version of the sealed search warrant affidavit in support of search warrants 23-mj-5213-01, 23-mj-5213-02, 23-mj-5213-03, 23-mj-5213-04, and 23-mj-5213-05, in the manner described in this motion and in the attached proposed Supplemental Protective Order (*see* **Exhibit A**). Defendant Hinkle's attorney, Dan Henry, Esq., and Frank Bogulski, Esq., have indicated their consent to the terms of the proposed Supplemental Protective Order. In support of this motion, the government submits the following:

1. Rule 16 Discovery material in this case is currently subject to a protective order governing access to, use of, and dissemination of material disclosed as Rule 16 discovery. *See* Doc. No. 293.

2. The proposed supplemental protective order (**Exhibit A**) imposes additional restrictions on the redacted version of the sealed search warrant affidavit to be provided to Counsel for Defendant Hinkle. The proposed supplemental protective order prohibits the sealed search warrant affidavit from being shown to, shared with, or provided to Defendant Hinkle, or any co-defendant or co-defendant's attorney(s). Due to the nature and sources of the information contained in the sealed search warrant affidavit, providing access to the sealed search warrant affidavit to Defendant Hinkle could jeopardize the safety of sources of information that have provided information to the government. Attorney Daniel Henry, Esq., has consented to the proposed terms of this Supplemental Protective Order.

3. The government has concerns regarding the release of the sealed search warrant affidavit to the defendants. The information contained in the sealed search warrant affidavit could expose the identity of cooperating witnesses and sources of information. Although the document has been partially redacted, sensitive information was left unredacted in order to allow counsel for the defendants to review the probable cause contained in the affidavit. Revealing the identity of the sources of information or cooperating witnesses could jeopardize the safety or endanger the lives of the individuals. Therefore, the government is asking for a Supplemental Protective Order as described in **Exhibit A**. The purpose of this is to allow counsel for Defendant Hinkle to fully review the redacted version of the sealed search warrant affidavit, but also ensure the safety of the sources of information and cooperating witnesses.

The Second Superseding Indictment in this case includes charges of Obstruction of Justice Conspiracy, Witness Tampering Conspiracy, Witness Retaliation Conspiracy, all of which highlight the risks posed by premature disclosure of the identity of cooperating witnesses. Your undersigned has communicated with the attorneys for Defendant Hinkle and provided a copy of **Exhibit A**. On February 4, 2025, Defendant Hinkle's attorney Dan Henry emailed the government and indicated that he had reviewed **Exhibit A** and consented to its content.

4. The government requests that the Court sign the proposed Supplemental Protective Order (**Exhibit A**) as it relates to the redacted version of the sealed search warrant affidavit in support of search warrants 23-mj-5213-01, 23-mj-5213-02, 23-mj-5213-03, 23-mj-5213-04, and 23-mj-5213-05. The proposed protective order is attached for the Court's consideration. *See* **Exhibit A**.

DATED: Buffalo, New York, February 4, 2025

TRINI E. ROSS  
United States Attorney

BY: s/NICHOLAS T. COOPER  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716-843-5830  
Nicholas.Cooper@usdoj.gov